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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,042	09/15/2006	Jorg Flottemesch	2004P04402WOUS	7260

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
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2834

MAIL DATE	DELIVERY MODE
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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,042	Applicant(s) FLOTTEMESCH ET AL.	
	Examiner PEDRO J. CUEVAS	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/15/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,856,040 B2 to Feddersen et al. in view of U.S. Patent No. 4,873,619 to Neupauer.

Feddersen et al. disclose the construction of a variable speed wind turbine having a passive grid side rectifier with scalar power control, comprising:

a wind turbine;

a generator (110) having a rotor, a rotor winding and a rotor winding side converter connected to the wind turbine; and

a generator regulation device (Figure 1) that regulates the generator having a first and a second regulation unit that each operate on a rotor-winding side converter, wherein the first regulation unit is assigned to regulate a non-faulty 3-phase AC network and the second regulation unit is assigned to regulate the generator rotor winding.

However, it fails to disclose a network voltage analyzer is connected to the electrical 3-phase AC network and determines whether a network fault has occurred if the network voltage signal representation deviates from a predetermined set interval and if a network fault has occurred.

Neupauer disclose the construction of a method and apparatus for controlling a static converter at an asymmetrical network, comprising a network voltage analyzer (Figure 4) connected to the electrical 3-phase AC network and determines whether a network fault has occurred if the network voltage signal representation deviates from a predetermined set interval and if a network fault has occurred, for the purpose of determining “the instantaneous amplitudes of the co-rotating system $U'(t)$, of the counter system $U''(t)$ and the fundamental $U(t)$.”

It would have been obvious to one skilled in the art at the time the invention was made to use the network voltage analyzer disclosed by Neupauer on the variable speed wind turbine having a passive grid side rectifier with scalar power control disclosed by Feddersen et al. for the purpose of determining the instantaneous amplitude of a rotating system.

It should be emphasized that “apparatus claims must be structurally distinguishable from the prior art.” MPEP 2114. *In re Danly*, 263 F. 2d 844, 847, 120 USPQ 528, 531 (CCPA 1959) it was held that apparatus claims must be distinguished from prior art in terms of structure rather than function. In *Hewlett-Packard Co. v Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990), the court held that: “Apparatus claims cover what a device is, not what it does” (emphases in original). To emphasize the point further, the court added: “An invention need not operate differently than the prior art to be patentable, but need only be different” (emphases in original).

3. With regards to claim 10, Feddersen et al. disclose a compensation unit () that undertakes a reactive power regulation with a non-faulty 3-phase AC network to a desired reactive power component determined by a basic oscillation shift factor.

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4. With regards to claim 11, Feddersen et al. disclose the reactive power regulation being regulated by the compensation unit, and the first regulation unit is set for regulating a basic oscillation shift factor that cannot be changed during normal operation.

5. With regards to claim 12, Feddersen et al. disclose the reactive power regulation being regulated exclusively by the compensation unit.

6. With regards to claim 13, Feddersen et al. disclose the generator being a doubly-fed asynchronous generator (column 5, lines 35-40).

7. With regards to claim 14, Feddersen et al. disclose a comutator (see OTHER PUBLICATIONS, pages 2-7) that activates either the first of the second regulation units based on a specification of the network voltage analyzer.

8. With regards to claims 15 and 16, the combination of Feddersen et al. and Neupauer disclose the network voltage analyzer receiving parameters relating to a rotor current and the angular position and the speed of rotation of the rotor in the generator.

9. With regards to claim 17, the combination of Feddersen et al. and Neupauer discloses the claimed invention except for the first and second regulation units are implemented by one and the same physical unit and are embodied either as first or second regulation unit by operating this physical unit with different regulation programs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first and second regulation units as one and the same physical unit, since it has been held that forming in one piece an article, which has formerly been formed in two pieces and put together, involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). The term

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“integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PEDRO J. CUEVAS whose telephone number is (571)272-2021. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pedro J. Cuevas/
Examiner, Art Unit 2834
August 7, 2008

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/Darren Schuberg/
Supervisory Patent Examiner, Art Unit 2834